Electronically FILED by Superior Court of California, County of Los Angeles on 06/13/2019 05:22 PM Sherri R. Carter, Executive Officer/Clerk of Court, by K. Morales,Deputy Clerk
19STLC05857

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER	Reserved for Clerk's File Stamp
Sean Garcia-Leys, Esq 1910 W. Sunset Blvd., Suite 800 Los Angeles, CA 90026 ATTORNEY FOR (Name): Antonio Leon	313558	

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

COURTHOUSE ADDRESS: 111 N. Hill Street, Los Angeles, CA 90012

CONTESTANT: Antonio Leon
ADDRESS: C/O Urban Peace Institute; 1910 W. Sunset Blvd., Suite 800; Los Angeles, CA 90026
TELEPHONE NUMBER: (213) 404-0130

PROCESSING AGENCY: Los Angeles Police Department
ADDRESS: P.O. Box 30158; Los Angeles, CA 90030
TELEPHONE NUMBER: (310) 482-5273

HAND-DELIVERED
JUL 05 2019
Public Safety
General Counsel Division

NOTICE OF APPEAL - ADMINISTRATIVE HEARING

CASE NUMBER: 19STLC05857

NOTICE TO CONTESTANT

The contestant is responsible for the timely filing of the Notice of Appeal. **A separate Notice of Appeal - Administrative Hearing is required for each citation.** When the Court returns a copy of this notice to you with the date, place and time of the hearing filled in, you must serve a copy of this notice upon the processing agency and file a copy of the original Proof of Service of this notice with the Court at least 10 days prior to the hearing date. The Court may not proceed on your appeal if proof of service has not been filed.

The Contestant in the above-titled action hereby appeals to the Superior Court of California, County of Los Angeles, from the final administrative decision on citation number: LAPD04102019 which was issued on 4/10/2019 (DATE).

REFERRED TO CITY ATTORNEY FOR DISPOSITION
JUL -5 2019

- The hearing was ☐ by personal conference. ☑ by mailed declaration.
- The date of the final administrative decision was 4/10/2019. (a copy of the final decision must be attached)
- The final administrative decision was ☐ personally delivered on _____ (DATE) ☑ mailed on 4/12/2019 (DATE).

RECEIVED
CITY CLERK'S OFFICE
2019 JUL -3 PM 3:15
BY DEPUTY
CITY CLERK

Dated: June 13, 2019

P.P. _____
Signature of Contestant

NOTICE OF HEARING

For Court Use Only:

A hearing will be held in the Superior Court of California, County of Los Angeles, on the date and time shown below.

Date	Time	Dept.	Court Location

SHERRI R. CARTER, Executive Officer/Clerk

Dated: _____

By: _____
Deputy Clerk

MC-1000

Petition for Review of Denial of Request to Remove Name From Gang Database

Clerk stamps date here when form is filed.

Instructions: Please read the instructions on page 2 of this form before completing and filing this form.

Notice to the Clerk: This petition is filed under Penal Code section 186.35 and California Rules of Court, rule 3.2300. Rule 3.2300(c) requires the presiding judge of each superior court to designate one or more judges to hear such petitions. This petition must be submitted to one of those judges.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number: 19STLC05857

1 Name of Person Filing This Petition:

Antonio Leon

I am: ☒ The person whose name is in the gang database.

☐ The parent or guardian of the child under 18 whose name is in the gang database.

Your lawyer in this case *(if you have one)*:

Name: Sean Garcia-Leys State Bar No.: 313558

Firm Name: The Connie Rice Institute for Urban Peace

Address *(If you have a lawyer for this case, give your lawyer's information. If you do not have a lawyer, give your information.)*

Address: 1910 W. Sunset Blvd., Suite 800

City: Los Angeles State: CA Zip: 90026

Telephone: (213) 404-0130 Fax: E-mail: SGaciaLeys@UrbanPeaceInsitute.org

2 Decision You Are Requesting Be Reviewed

I am seeking review of the following law enforcement agency's denial of my request under Penal Code section 186.34 to remove my name or the name of my child or ward from a shared gang database. (*Complete a. or b.*)

Name of law enforcement agency: Los Angeles Police Department

Address: P.O. Box 30158

City: Los Angeles State: CA Zip: 90030

☒ a. The decision denying the request was served on me/my client by the law enforcement agency:

☐ By personal delivery ☒ By mail on *(date:)* April 12, 2019

You must attach a copy of the written verification denying your request.

☐ b. The agency did not respond to my request, which I submitted in writing:

☐ By personal delivery ☐ By mail on *(date:)*

You must attach a copy of your request and written documentation contesting your designation.

3 Reason for This Petition for Review

I am seeking review of the denial of my request on the basis that the law enforcement agency has not established by clear and convincing evidence the active gang membership, associate status, or affiliate status of the person whose name I requested be removed from the shared gang database.

4 Written Argument

☐ I have attached my written argument about why, based on the record specified in Penal Code section 186.35(b), the law enforcement agency has failed to establish by clear and convincing evidence the gang membership, associate status, or affiliate status of the person whose name I requested be removed from the street gang database.

NOTE: You do not have to submit written argument, but if you wish to, you can either include that argument in this petition or serve and file the argument separately within 15 days after the law enforcement agency serves and files the record in this proceeding. Please see rule 3.2300(f) for information about submitting written argument.

Case Number:

(5) Request for or Waiver of Oral Argument

I understand oral argument can be requested in this case. I ☒ am ☐ am not requesting oral argument.

Date: Jun 13, 2019

Sean Garcia-Leys, Esq.
Type or print your name

Signature

Instructions

This form is only for seeking review by a court of a local law enforcement agency's written or deemed denial of a request under Penal Code section 186.34 to remove an individual's name from a shared gang database.

You must serve and file this form **no later than 90 calendar days** after either (1) the law enforcement agency serves you with written verification of its decision denying your request under Penal Code section 186.34 to remove your name from a shared gang database or, if you are the parent or guardian of a child under 18 whose name is in the gang database, the child's name; or (2) the date your request was deemed denied under Penal Code section 186.34(e). **If your petition is late, your request will be dismissed.**

To serve and file this form, complete the following steps:

1. **Fill out this form**

   In the second box on the right-hand side: Fill in the name of the county for the superior court where you plan to file the petition and the street address for the court (see rule 3.2300(d)(3) for information about where to file this form).

   In Item 1: Fill in your name and check the box to indicate if you are the person whose name is in the gang database or that person's parent or guardian.

   Fill in the name and firm name of your lawyer, if you have one.

   Fill in your lawyer's contact information or, if you do not have a lawyer, your contact information.

   In Item 2: Fill in the name and address of the law enforcement agency whose decision you are petitioning the court to review.

   (a) If you received a written decision from the law enforcement agency denying your request to remove your name or the name of your child or ward from the gang database, attach a copy to the form.

   (b) If you did not receive a decision, and your request was deemed denied, complete the date and way in which you submitted the request.

   In Item 4: Check to indicate if you are attaching written argument to this request.

   In Item 5: Indicate whether or not you want to have oral argument on your petition or whether you want to give up (waive) oral argument and have the court decide the case without oral argument.

   At the end of the form: Print and sign your name and fill in the date you signed the form.

2. **Make copies of the form**

   Make a copy of the completed form for your records and one for the law enforcement agency.

3. **Serve the form**

   Serve a copy of the completed form and any required attachment on the law enforcement agency and keep proof of this service. You can get information about how to serve court papers and proof of service on the California Courts Online Self-Help Center at *www.courts.ca.gov/selfhelp-serving.htm*.

4. **File the form**

   Take or mail the original completed form with a copy of the law enforcement agency decision attached and proof of service on the law enforcement agency to the civil clerk's office of the court where you file this form. It is a good idea to take or mail an extra copy to the clerk and ask the clerk to stamp it to show that the original has been filed.

   Pay the $25 filing fee and file this form, or if you are unable to pay this fee, file a request to waive court fees (form FW-001) in the court.

LOS ANGELES POLICE DEPARTMENT

MICHEL R. MOORE
Chief of Police

P.O. Box 30158
Los Angeles, CA 90030
Telephone: 310-482-6402
TDD: (877) 275-5273
Ref #:
(ref. no. entity typing corresp.)

ERIC GARCETTI
Mayor

Response to Request for Removal from the Shared Gang Database Letter

Dear Antonio Jr. Leon, Date: Apr.10. 2019

On or about Jan. 28. 2019. the Los Angeles Police Department (Department) received a request from you contesting the inclusion of Antonio Jr. Leon in the Department's computerized shared gang database. After careful review of your request, it was determined that:

- ☑ The inclusion was compliant with existing State of California guidelines. Attached is a spreadsheet indicating the criteria reviewed in making this determination. The source documents containing these criteria that were reviewed because of this contestation will be provided to the Superior Court of California at the Court's request.

- ☐ The inclusion did not meet the criteria; therefore. all of his or her information will be removed from the database.

The Department's shared gang database is used only to identify possible suspects in criminal investigations. It is not used for the purposes of employment checks. housing or welfare benefits. background investigations. or non-criminal immigration proceedings.

Should you have any questions regarding this correspondence or have inquiries regarding referral programs. please call Officer/Detective Melvin Campos.
Serial No. 34963. Pacific G.I.T Area. at phone number 310-482-6402.

Respectfully.

MICHEL R. MOORE
Chief of Police

James L. Setzer, Captain
Commanding Officer
Pacific Area

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Sean Garcia-Leys SBN#313558
Urban Peace Institute
1910 W. Sunset Blvd., Suit 800
Los Angeles, CA 90026

TELEPHONE NO.: (212) 404-0130 FAX NO. (Optional):
E-MAIL ADDRESS (Optional): sgarcialeys@urbanpeaceinstitute.org
ATTORNEY FOR (Name): Antonio Leon

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF
STREET ADDRESS: 111 N. Hill Street
MAILING ADDRESS:
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk Courthouse

PETITIONER/PLAINTIFF: Antonio Leon

RESPONDENT/DEFENDANT: City of Los Angeles

PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL

CASE NUMBER: 19STLC05857

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and **not a party to this action.** I am a resident of or employed in the county where the mailing took place.

2. My residence or business address is:
   1910 West Sunset Blvd., Suite 800
   Los Angeles, CA 90026
3. On *(date)*: June 28, 2019 I mailed from *(city and state)*: Los Angeles, California
   the following **documents** *(specify)*:
   Civil Case Cover Sheet; Civil Case Cover Sheet Addendum and Statement of Location; Notice of Case Assignment; Notice of Appeal; Petition for Review of Denial of Request to Remove Name From Gang Database; General Order; Proof of Service
   ☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).
4. I served the documents by enclosing them in an envelope and *(check one)*:
   a. ☑ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
   b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
   a. **Name** of person served:
   b. **Address** of person served:

   ☑ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 28, 2019

Sean Garcia-Leys
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

(SIGNATURE OF PERSON COMPLETING THIS FORM)

SHORT TITLE: Leon v. City of Los Angeles	CASE NUMBER: 19STLC05857

ATTACHMENT TO PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL (PERSONS SERVED)

(This Attachment is for use with form POS-030)

NAME AND ADDRESS OF EACH PERSON SERVED BY MAIL:

Name of Person Served	Address *(number, street, city, and zip code)*
Los Angeles City Clerk	200 N. Spring Street; City Hall - Room 360 Los Angeles, CA 90012
Los Angeles Police Department	P.O. Box 30158 Los Angeles CA 90030